

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1022**

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**Introduced by Assembly Member Nava**

February 27, 2009

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~~An act to amend Section 17217 of the Education Code, relating to education.~~ *An act to add and repeal Section 17462.3 of the Education Code, relating to school property.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, Nava. School facilities.

*(1) Existing law requires that the funds from the sale of surplus school real property be used for capital outlay or for costs of maintenance of prescribed school district property. Existing law permits a school district to deposit proceeds from a lease of school district property with an option to purchase in its general fund for use for any general fund purpose, if approved by the State Allocation Board and certain conditions are met.*

*This bill, notwithstanding any other provision of law, would authorize the Ventura Unified School District to deposit specified proceeds of the sale of surplus school property, together with any personal property located on that property, purchased entirely with local funds and sold before January 1, 2005, into the general fund of the school district and to use those proceeds for any general fund purpose. The bill would require the State Allocation Board to reduce an apportionment of hardship assistance awarded to that district, as specified. Before exercising the authority granted by the bill, the governing board of the school district would be required to submit documents containing specified certifications to the State Allocation Board and, at a regularly*

*scheduled meeting, present a plan for expending the proceeds of the sale. These provisions would remain in effect only until October 31, 2013, and would be repealed on January 1, 2014.*

*(2) The bill would express the finding and declaration of the Legislature that, due to the unique circumstances relating to the Ventura Unified School District, a general statute within the meaning of a specified provision of the California Constitution cannot be made applicable, and the enactment of this bill as a special statute is therefore necessary.*

~~Existing law provides that the governing board of a school district may acquire a site for a school building contiguous to the boundaries of the district and that upon the acquisition of the site, it shall become a part of the district.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 17462.3 is added to the Education Code,*  
 2     *to read:*  
 3     *17462.3. (a) Notwithstanding any other provision of law, the*  
 4     *Ventura Unified School District may deposit the proceeds from*  
 5     *the sale of surplus real property, together with personal property*  
 6     *located on that property, purchased entirely with local funds and*  
 7     *sold before January 1, 2005, into the general fund of the school*  
 8     *district and use the proceeds from the sale for any general fund*  
 9     *purpose. If the purchase of property was made using the proceeds*  
 10    *of a local general obligation bond act or revenue derived from*  
 11    *developer fees, the amount of the proceeds of that sale that may*  
 12    *be deposited into the general fund of the school district shall not*  
 13    *exceed the percentage computed by the absolute difference between*  
 14    *the purchase price of the property and the proceeds from the*  
 15    *transaction, divided by the proceeds of the transaction. For the*  
 16    *purposes of this section, "proceeds of the transaction" means*  
 17    *either of the following, as appropriate:*  
 18    *(1) For a case sale, the amount realized from the sale of*  
 19    *property after reasonable expenses related to the sale.*

1     (2) *For a sale that did not result in a lump-sum cash payment,*  
2 *the amount realized from the sale of the property after reasonable*  
3 *expenses that is the sum of all cash received and the net present*  
4 *value of the future cashflow generated by the transaction.*

5     (b) *The State Allocation Board shall reduce the amount of*  
6 *hardship assistance awarded pursuant to Article 8 (commencing*  
7 *with Section 17075.10) of Chapter 12.5 of Part 10 to the Ventura*  
8 *Unified School District, if the district exercises the authority*  
9 *granted pursuant to this section, by the proceeds of the sale of*  
10 *surplus real property used for general fund purposes.*

11     (c) *If the Ventura Unified School District exercises the authority*  
12 *granted pursuant to this section, the district is ineligible for*  
13 *hardship funding from the State School Deferred Maintenance*  
14 *Fund under Section 17587 for five years after enactment of this*  
15 *measure.*

16     (d) *Deposit of proceeds in the Ventura Unified School District*  
17 *general fund pursuant to this section does not disqualify the school*  
18 *district from eligibility for state funding for any school facilities*  
19 *program authorized by the state.*

20     (e) *Before the Ventura Unified School District exercises the*  
21 *authority granted pursuant to this section, the governing board of*  
22 *the school district first shall submit to the State Allocation Board*  
23 *documents certifying all of the following:*

24         (1) *The school district has no major deferred maintenance*  
25 *requirements not covered by existing capital outlay resources.*

26         (2) *The sale of real property pursuant to this section does not*  
27 *violate any provisions of a local bond act.*

28         (3) *The real property is not suitable to meet any projected school*  
29 *construction need for the next 10 years.*

30     (f) *Before the Ventura Unified School District exercises the*  
31 *authority granted pursuant to this section, the governing board of*  
32 *the school district, at a regularly scheduled public meeting, shall*  
33 *present a plan for expending the proceeds of the sale pursuant to*  
34 *this section. The plan shall identify the source and use of the funds.*

35     (g) *This section shall become inoperative on October 31, 2013,*  
36 *and, as of January 1, 2014, is repealed, unless a later enacted*  
37 *statute, that becomes operative on or before January 1, 2014,*  
38 *deletes or extends the dates on which it becomes inoperative and*  
39 *is repealed.*

1     *SEC. 2. Due to the unique circumstances concerning the*  
2     *Ventura Unified School District, the Legislature finds and declares*  
3     *that a general statute cannot be made applicable within the*  
4     *meaning of Section 16 of Article IV of the California Constitution.*  
5     *Therefore, Section 1 of this act is necessarily applicable only to*  
6     *the Ventura Unified School District.*

7     SECTION 1. ~~Section 17217 of the Education Code is amended~~  
8     to read:

9     ~~17217. (a) The governing board of a school district may~~  
10    ~~acquire a site for a school building contiguous to the boundaries~~  
11    ~~of the district and upon the acquisition of the site it shall become~~  
12    ~~a part of the district.~~

13    ~~(b) The site may not be acquired until all of the following~~  
14    ~~conditions are met:~~

15    ~~(1) A majority of the members of the governing board of the~~  
16    ~~acquiring school district approves a petition requesting approval~~  
17    ~~of the acquisition.~~

18    ~~(2) The petition is filed with the county superintendent of~~  
19    ~~schools with jurisdiction over the acquiring school district. If the~~  
20    ~~site is in a county that is not the county in which the acquiring~~  
21    ~~school district is located, the petition shall be filed with each of~~  
22    ~~the county superintendents of the counties concerned. Within 10~~  
23    ~~working days of the date the petition is filed, each superintendent~~  
24    ~~of schools of those counties shall notify the governing board of~~  
25    ~~each school district involved that the petition was filed.~~

26    ~~(3) The county committee on school district organization of the~~  
27    ~~county of the acquiring school district approves the petition. If the~~  
28    ~~site is in a county that is not the county in which the acquiring~~  
29    ~~school district is located, each of the county committees on school~~  
30    ~~district organization concerned shall approve the petition. The~~  
31    ~~county committees on school district organization shall approve~~  
32    ~~or disapprove a petition within 60 days from the day the governing~~  
33    ~~board filed the petition with the county superintendent of schools.~~

34    ~~(c) Notwithstanding subdivision (b), if each of the county~~  
35    ~~committees on school district organization does not approve the~~  
36    ~~petition as required by paragraph (3) of subdivision (b), the petition~~  
37    ~~may be submitted to the Superintendent for approval. If the~~  
38    ~~Superintendent approves the petition, the governing board may~~  
39    ~~acquire the site.~~

1     ~~(d) In approving the acquisition of a site pursuant to this section,~~  
2     ~~the county committees on school district organization and the~~  
3     ~~Superintendent shall consider the extent to which the following~~  
4     ~~are met:~~

5     ~~(1) The proposed site acquisition will not promote racial or~~  
6     ~~ethnic discrimination or segregation.~~

7     ~~(2) The proposed site acquisition will not result in any~~  
8     ~~substantial increase in costs to the state.~~

9     ~~(3) The proposed site acquisition will not significantly disrupt~~  
10    ~~the educational programs in the school districts affected by the~~  
11    ~~proposed site acquisition and will continue to promote sound~~  
12    ~~education performance in those school districts.~~

13    ~~(4) The proposed site acquisition will not result in a significant~~  
14    ~~increase in school housing costs.~~

15    ~~(5) The proposed site acquisition is not primarily designed to~~  
16    ~~result in a significant increase in property values causing financial~~  
17    ~~advantage to property owners because territory was transferred~~  
18    ~~from one school district to an adjoining school district.~~

19    ~~(6) The proposed site acquisition will not cause a substantial~~  
20    ~~negative effect on the fiscal management or fiscal status of any~~  
21    ~~school district affected by the proposed site acquisition.~~

22    ~~(e) The power of eminent domain may be used for the purposes~~  
23    ~~of this section.~~

24    ~~(f) A schoolsite is contiguous for the purpose of this section~~  
25    ~~although separated from the boundaries of the district by a road,~~  
26    ~~street, stream, or other natural or artificial barrier or right-of-way.~~